

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**JERICO DEMISSIE,  
Plaintiff,**

**v.**

**7-ELEVEN, INC., et al.,  
Defendants.**

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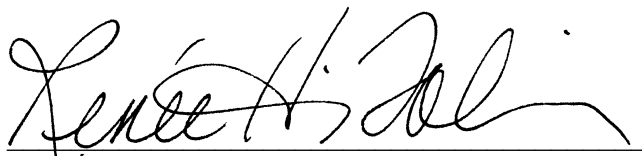
**3:09-CV-1153-M-BK**

**RECOMMENDATION REGARDING NON-PRISONER'S IFP STATUS ON APPEAL**

Before the Court are a Notice of Appeal and a Request to Proceed *In Forma Pauperis* on Appeal (Doc. 101). The Magistrate Judge, having considered the issue, recommends that the District Court certify, pursuant to FED. R. APP. P. 24(a) and 28 U.S.C. § 1915(a)(3), that the appeal is not taken in good faith. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983) (an appeal is not taken in good faith when it fails to present non-frivolous issues).

**Although this appeal should be certified as not taken in good faith under 28 U.S.C. § 1915(a)(3) and FED. R. APP. P. 24(a)(3), the plaintiff may challenge this finding by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of the order so certifying.**

**SIGNED** August 30, 2011.



RENÉE HARRIS TOLIVER  
UNITED STATES MAGISTRATE JUDGE